

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN THOMPSON BEY,

Plaintiff,

v.

RICHARD STAPLETON, JOANN RICCI,
L. MCMILLIAN, GLENDA WELLS,
JERRY HOFBAUER, ROBIN PRATT, and
HAROLD WHITE,

Defendants.

Case Number 07-10919

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

ORDER ADOPTING REPORT AND RECOMMENDATION

Presently before the Court is the report issued on January 13, 2009 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the motion for summary judgment filed by defendants White, Pratt, and Wells. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 80] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment [dkt. #67] is **GRANTED**. The case is **DISMISSED WITH PREJUDICE** as to defendants White, Pratt, and Wells.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 4, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 4, 2009.

s/Felicia M. Moses
FELICIA M. MOSES